IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Appeal No. 117 of 2006
(Old No. 2141/1985)

Kailash Chand s/o Shri Ameer Chand,
R/o Ajabpur Kala,
District Dehradun ……. Appellant

Versus

State of U.P. (now Uttarakhand) ……. Respondents

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None for the appellant
Sri Sudhir Chaudhary, A.G.A. for the State.

Hon. Dharam Veer, J.

This present appeal is preferred against the order dated 25.07.1985 passed by Additional Sessions Judge, Dehradun whereby recovery warrants were ordered to issued against the sureties.

2. The appellant has preferred the present appeal on the ground that the order of the learned Addl. Sessions Judge, Dehradun in illegal, against the principles of natural justice and is bad in law, as the same has not been passed in accordance with law.

3. Though the appellant was served personally, today when the case was called, none appeared to press the appeal.

4. The learned A.G.A. appeared before the Court and submitted that the order under appeal is perfectly justified and has been passed in accordance with law.

5. I have heard the learned A.G.A. and have gone through the record of the case.

6. Having considered all the facts and circumstances of the case, I am of the view that the order of the Court below is perfectly justified and the learned lower Court has committed no illegality in ordering the issuance of the recovery warrants against the sureties. The order under appeal also

does not suffer from any illegality, irregularity or impropriety. Therefore, no ground is made out for the interference by this Court.

7. In view of the above, the appeal stands dismissed.

8. Consequently, the interim order dated 19.08.1985 stands vacated.

(Dharam Veer, J.)
13.03.2007

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